

Midlothian Integration Joint Board



14th April 2022, 2.00pm

Code of Conduct Revised Model Scheme for Members of Devolved Public Bodies

Item number: 5.5

Executive summary

This report sets out key information in relation to the revised Model Code of Conduct scrutinised and approved by the Scottish Parliament in October 2021. Midlothian Integration Joint Board must revise and agree the Code of Conduct with Scottish Government and ensure local implementation by 10th June 2022.

Whilst it is a requirement to implement the revision to the Model Code in full, amendments can be proposed to the Code in order to reflect the individual circumstances of Board Members.

The Midlothian Integration Joint Board should note that the current Code of Conduct remains in place will continue to apply to the conduct of Members until such time as the revisions have been approved by Scottish Government

Board members are asked to:

1. Review the proposed Code of Conduct following the revised Model Scheme;
 2. Decide whether to disapply paragraph 3.10 of the Model Scheme;
 3. Highlight any other areas of concern and propose any required amendments; and
 4. Agree to submit the Code of Conduct to the Scottish Government for approval
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Code of Conduct Revised Model Scheme for Members of Devolved Public Bodies

1 Purpose

- 1.1 This report sets out key information in relation to the revised Model Code of Conduct scrutinised and approved by the Scottish Parliament in October 2021. Midlothian Integration Joint Board must revise and agree the Code of Conduct with Scottish Government and ensure local implementation by 10th June 2022.

2 Recommendations

- 2.1 As a result of this report Members being asked to:-
- Review the proposed Code of Conduct following the revised Model Scheme;
 - Decide whether to disapply paragraph 3.11 of the Model Scheme;
 - Highlight any other areas of concern and propose any required amendments;
 - Agree to submit the Code of Conduct to the Scottish Government for approval; and
 - Note the future action required in relation to the publication of the Code alongside the Register of Interests

3 Background and main report

- 3.1 The Ethical Standards in Public Life (Scotland) Act 2000 provides for Codes of Conduct for local authority councillors and members of relevant public bodies. As a Public Body listed in schedule 3 of the Act, the Midlothian Integration Joint Board is required to produce a Code of Conduct in line with the Model Code.
- 3.2 The revised Model Code takes into account changes which, where appropriate, are consistent with the revised Councillors' Code and suggestions submitted following public consultation.
- 3.3 The revised Model Code highlights the need for Board Members to take personal responsibility for their behaviour and to have an awareness of the organisation's policies in relation to a number of areas e.g., social media, equality, diversity and bullying and harassment.
- 3.4 The Midlothian Integration Joint Board Standards Officer has prepared a draft Code of Conduct following the terms of the Model Code of Conduct and authority is sought to submit this to the Scottish Government subject to any amendments or additions which the Board wish to make.
- 3.5 The Director for Local Government and Communities accepts that paragraph 3.11 of the Model Code may not be relevant to how IJBs operate. In this case, the

Scottish Government has proposed to resolve this by allowing IJBs to opt out of this paragraph. The wording of paragraph 3.11 which concerns collective responsibility is set out below and Board Members are asked whether they wish to disapply this paragraph:

3.11 I will respect the principle of collective decision-making and corporate responsibility. This means that once the Board has made a decision, I will support that decision, even if I did not agree with it or vote for it.

- 3.6 Whilst it is a requirement to implement the revision to the Model Code in full, amendments (other than the disapplication of paragraph 3.11 above) can also be proposed to the Code in order to reflect the individual circumstances of the Board. Any proposed amendments or additions must be referred to the Board's Scottish Government contact with an explanation why the changes are deemed necessary. Amendment requests will be considered referred to the Public Bodies Unit before a decision on approval is made.
- 3.7 The Midlothian Integration Joint Board must revise the Code, return to Scottish Government, and complete all actions required for agreement the Scottish Government by 10th June 2022.
- 3.8 When the Code is formally approved by Scottish Government, a formal approval letter will be issued to advise that a copy of the approved Code has also been passed to the Standards Commission and the Ethical Standards Commission for their records. The Midlothian Integration Joint Board must then publish the approved Code and provide web-links to both the revised Code and Register of Interests.
- 3.9 Midlothian Integration Joint Board should note that the Code currently in place will continue to apply to the conduct of Members until such time as the revisions have been approved.

4 Policy Implications

- 4.1 Implementation of the Code of Conduct in line with the revised Model Scheme is a statutory requirement.

5 Directions

- 5.1 There are no implications regarding Directions.

6 Equalities Implications

- 6.1 There are no Equalities Implications arising from this report

7 Resource Implications

- 7.1 There are no resource implications.

8 Risk

- 8.1 The current Code of Conduct will remain in place until the revised Code has been approved. It is however a statutory requirement to submit a revised Code for approval and there may be reputational damage should this not be done timeously.

9 Involving people

- 9.1 The IJB's meetings are public and all of its papers are available on the internet

10 Background Papers

- 10.1 The SSI/438 setting out the requirements for Registration came into effect on 7 December and can be viewed at <https://www.legislation.gov.uk/ssi/2021/438/contents/made>
- 10.2 The Standards Commission are providing guidance and individual Advice Notes to help members understanding of the Model Code. This information will be available on their website at <https://www.standardscommissionscotland.org.uk>

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Appendices:

Appendix 1: Revised Model Scheme Code of Conduct

Appendix 2: Current Model Scheme Code of Conduct